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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiff, Counter-defendant
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN
SUPPORT OF APPLE INC.'S STATEMENT
IN SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL**

The Honorable Yvonne Gonzalez Rogers

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple
4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential
5 information based on my personal experience representing Apple. I have personal knowledge of the
6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration
7 in support of Apple’s Statement in Support of Administrative Motion to Seal.¹

8 2. I am aware that the law of this Circuit allows information to be filed under seal for good
9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where
10 documents include a company’s trade secrets, internal codenames, confidential research and
11 development, personally identifiable information, or other commercially sensitive information. I
12 understand that this Court has broad latitude to prevent the public disclosure of these categories of
13 commercially sensitive information.

14 3. Apple operates in an intensely competitive environment. Apple has serious and
15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive
16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect
17 the confidentiality of its information.

18 4. Apple has carefully reviewed Exhibits A and B to Epic Games, Inc.’s Administrative
19 Motion to Consider Whether Another Party’s Material Should Be Sealed Pursuant to Civil Local Rule
20 79-5 (“Epic’s Motion”) (Dkt. 1355), and now proposes to partially seal information therein that, if
21 disclosed, could reveal personally identifiable information, non-public security information, and non-
22 public financial information.

23 5. Exhibit A contains personally identifiable information in the form of email addresses and
24

25
26 ¹ Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. *See*,
27 *e.g.*, *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,
No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,
No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-
00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple
28 respectfully requests that it be permitted to file a further declaration supporting filing under seal.

1 phone numbers of Apple employees, outside counsel, and outside consultants. Exhibit A also contains
 2 Apple web conference login and conference room information, which if revealed could be used by bad
 3 actors to breach Apple's internal security system. Exhibit B contains competitively sensitive, non-public
 4 information regarding Apple's financial information. Public disclosure of Apple's non-public financial
 5 information would reveal Apple's internal business decision-making and sensitive business data, which
 6 could be used by competitors to gain an unfair competitive advantage over Apple and/or affect Apple's
 7 market position. Apple has narrowly-tailored its sealing request as to maximize the public's access to
 8 court documents without jeopardizing Apple's privacy, security, or business interests. The remainder of
 9 the exhibits remain unredacted.

10 6. Below is a chart detailing the portions of the exhibits sealable for the reasons explained
 11 herein, as well as in Apple's statement.

12 Portion of Document Sought to be Sealed	Document Title	Reason to Seal
13 Redacted email addresses and phone numbers	Exhibit A	Reflects personally identifiable information
14 Redacted web conference login and room information	Exhibit A	Reflects non-public Apple security information
15 Page 12, lines 8-10	Exhibit B	Reflects non-public Apple financial information

16 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
 17 correct. Executed this 21st day of March 2025, in Washington, D.C.

18 Dated: March 21, 2025

Respectfully submitted,

By: /s/ Mark A. Perry

Mark A. Perry